

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Bryan J. Williams, #296969,)	
)	C/A No. 2:06-0886-GRA
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	(Written Opinion)
Associate Warden Beckwith;)	
Sgt. Collins; Ofc. Gregory;)	
Ofc. Romanelli; Ofc. Rennick;)	
Ofc. Callahan; Captain Miller;)	
and Captain Seward,)	
)	
Defendants.)	
_____)	

This matter comes before the Court for review of the magistrate's Report and Recommendation made in accordance with 28 U.S.C § 636(b)(1) and Local Rule 73.02(B)(2)(e), D.S.C., and filed on December 18, 2006. Plaintiff filed this action on March 29, 2006, pursuant to 42 U.S.C. § 1983. On September 27, 2006, Defendants filed a motion for summary judgment. An order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) was issued by the magistrate, but Plaintiff failed to respond to the motion for summary judgment. Subsequently, the magistrate granted Plaintiff an additional ten days to respond to the defendants' motion. Once again, Plaintiff failed to respond. Further, Plaintiff never advised the court of a change of address when he was transferred to another facility. In light of these facts, the magistrate recommends dismissing the case with prejudice.

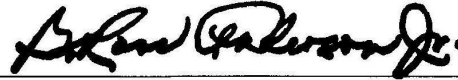
Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). Plaintiff has filed no objections.

After a review of the record, this Court finds that the magistrate's Report and Recommendation accurately summarizes this case and the applicable law. Accordingly, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that Plaintiff's case be DISMISSED with prejudice for failure to notify the court of any change of address and for lack of prosecution.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

January 22, 2007

Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.